

### REMARKS

The specification and drawings have been amended to add reference numerals. No new matter has been added.

The claims have not been amended.

The drawings and specification were objected to as failing to comply with 37 C.F.R. 1.84(p)(5) as failing to include reference numerals and lead lines. Applicant has amended the specification and drawings to include the requested reference numerals and lead lines. Replacement sheets of drawings and a substitute specification including the reference numerals are attached. Entry of these documents and withdrawal of the objection to the drawings and specification are requested.

Claims 1-13 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the "neutral tandem network" of the invention. This rejection is respectfully traversed.

The revised specification and drawings illustrate the claimed "neutral tandem network" as including, *inter alia*, tandem switches 42 and tandem access gateways or nodes 41. The term "neutral tandem network" or "NTN" is clearly defined and used consistently throughout the specification.

For example, a "neutral network" is defined at page 10, lines 7-14 as follows:

"Above all, therefore, there exists a need to promote the development of a network alternative that breaks the cycle of relying on (and paying fees for) the RBOC network at the same time as competing with the RBOC. The more that neutral or independent network components are available to carriers competing with the RBOCs, the more that the forces of competition will develop in the telecommunications market. Such facilities can promote competition by being both competitor neutral—i.e., not establishing unreasonable rates or practices in an effort to deter competition--and technology neutral—i.e., not preferring a specific technology for anti-competitive reasons."

In other words, a "neutral" network is one that is competitor and/or technology neutral in that it is not part of a proprietary network and is not reliant upon one particular technology platform.

This is further clarified from page 11, line 9, through page 12, line 9, and at page 12, lines 12-22, where the neutral tandem network of the invention is defined as "a neutral telecommunications network platform for providing tandem switching and transport services independent of the existing telephone network tandem infrastructure managed by the LECs," where the neutral tandem network includes "a series of reliable, centrally managed metropolitan voice interconnection gateways targeted at public and private wireline and wireless local and long distance carriers seeking to maximize the efficiency, performance, and reach of their networks."

Applicant further notes that the concept of a "tandem" is well-known to those skilled in the art. For example, Newton's Telecom Dictionary, 14<sup>th</sup> Edition (1998), defines "tandem" as "the connection of networks or circuits in series" and a "tandem switch" as "an intermediate switch or connection between an originating telephone call location and the final destination of the call" that connects one trunk to another.

Applicant further appreciates the courtesy extended by Examiner Deane during a telephonic interview conducted on September 1, 2004. During that interview, Applicant explained the invention in connection with a PowerPoint presentation forwarded to Examiner Deane. A printout of that presentation is attached hereto for inclusion in the prosecution record.

For the reasons set forth herein and during the interview, the claimed "neutral tandem network" or "NTN" is believed to be clearly disclosed and described in the specification and to have a meaning that is, or will be, well understood by those skilled in the art. Withdrawal of the rejection of claims 1-13 under 35 U.S.C. §112, second paragraph, is respectfully solicited.

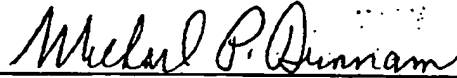
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PATENT

**Conclusion**

Applicant requests withdrawal of all objections and rejections, a search of the prior art and, as appropriate, a Notice of Allowability. The Examiner is encouraged to contact the undersigned representative with any questions regarding the invention or the procedural posture of this application.

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